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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1472nd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 14 February 2017, at 10 a.m.

Chair: Ms. Leinarte

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Eighth periodic report of Ukraine (CEDAW/C/UKR/8; CEDAW/C/UKR/Q/8 and Add.1)

1. *At the invitation of the Chair, the delegation of Ukraine took places at the Committee table.*

2. **Ms. Fedorovych** (Ukraine), introducing the eighth periodic report of Ukraine (CEDAW/C/UKR/8), said that the Government had done its upmost to ensure that its response to the complex problems of the previous three years, in particular those associated with the illegal occupation of parts of the country, had been based on the Committee's recommendations. The Committee's previous recommendations had been taken into account in the preparation of the State Programme for Ensuring Equal Rights and Opportunities for Women and Men, which had been approved in 2013. Civil society had been actively involved in its preparation. The Verkhovna Rada, the parliament of Ukraine, had a cross-party group for equal opportunities, and its membership included 47 deputies representing all political parties. A parliamentary gender council whose members included representatives from civil society, State bodies and international organizations had also been established, as had a parliamentary subcommittee on gender equality and non-discrimination.

3. With the support of the Organization for Security and Cooperation in Europe (OSCE), a training course on gender equality and non-discrimination was being introduced for representatives from the media and the advertising industry. One round of training courses had already been conducted for the teaching staff of journalism faculties.

4. The text of the Convention and the Optional Protocol thereto and commentaries on both instruments had been widely disseminated among civil servants. The Ministry of Social Policy organized annual training courses for those responsible for the implementation of gender policy at the local level. Quotas had been introduced to improve the representation of women.

5. The practical implementation of the Convention had been included in a training course for judges, as a result of which the instrument was more frequently referenced in judicial decisions. The Ministry of Social Policy had a council of experts on gender-based discrimination whose members included representatives from various ministries, a representative from the Office of the Parliamentary Human Rights Commissioner, gender experts and academics. The Verkhovna Rada was working to amend legislation relating to the prevention of discrimination with a view to bringing it into line with the law of the European Union. The prohibited grounds of discrimination set forth in the Labour Code now included sexual orientation and gender identity. A gender aspect had been incorporated into a number of recently adopted strategic texts.

6. The Ministry of Social Policy was responsible for guaranteeing equal rights and opportunities for women and men, and the Deputy Prime Minister had been made responsible for the coordination of policies relating to gender equality. Directors of central Government departments sat on the Interdepartmental Council for Family Matters, Gender Equality, Demographic Development, Preventing Domestic Violence and Combating Trafficking in Persons. There were coordination councils at the provincial, municipal and district levels, and representatives from NGOs were included among their membership.

7. In 2016, the National Academy for Public Administration under the Office of the President had introduced a course on gender equality, which had been taken by more than

500 civil servants, and various awareness-raising events had been organized. With the support of the United Nations Population Fund (UNFPA), the "Four Hands Happiness" information campaign had been conducted to challenge stereotypes concerning the traditional division of family responsibilities. Gender and non-discrimination would be taken into account in the reform of the education system, which was currently under way. There were five gender studies departments in universities as well as a network of gender studies centres.

8. With regard to domestic and gender-based violence, many positive changes had taken place on the legislative front in recent years: fines and punitive work had been abolished in favour of more effective types of punishment; a comprehensive new bill on domestic violence had been drafted; a bill criminalizing domestic violence was under consideration; a draft text on the provision of specialized shelters for victims of domestic violence was being prepared; a consolidated database of incidents of domestic and gender-based violence was being built; standards were being developed for the provision of assistance to victims; and, following a successful pilot project, there were plans to institutionalize a system of mobile support units.

9. A comprehensive rehabilitation programme had been developed for girls aged 14-18 years and women who were victims of violence or belonged to other at-risk groups. Police officers and health-care and social workers who worked with victims of violence received relevant training, as did judges and military personnel. Although there were not yet enough shelters for victims, accommodation could at least be provided on a temporary basis, for example in centres for social and psychological assistance. There were 20 such centres in Ukraine, including a centre in Donetsk province, which had been re-registered in the territory under the control of the Ukrainian authorities.

10. Girls who were victims of violence could receive the necessary assistance at rehabilitation centres and children's shelters. There were also institutions for young mothers and State-funded social service centres. With the support of UNFPA, a centre for female victims of gender-based violence had been opened in Kharkiv in 2016, and there were plans to open further centres in four provinces. There were 547 centres providing free legal aid. Gender-disaggregated data on the prevalence of domestic violence continued to be collected. As existing legislation lacked articles on specific forms of violence against women, the data currently collected were limited, but they would be improved by the amendments to criminal legislation that had been submitted to the Verkhovna Rada.

11. Since the submission of the report under consideration, steps had been taken to combat trafficking in persons. In 2016, the victim identification process had been improved, which had resulted in a fourfold increase in the number of persons awarded victim status; the number of criminal prosecutions had risen by 2.7 per cent on the previous year; the size of the one-off financial payment awarded to victims had increased; a bill granting local authorities greater powers to address the issue had been drafted; a State programme on prevention of trafficking in persons had been adopted for the period up to 2020; and the preparation of a strategy for an information policy on trafficking in persons, domestic violence and equal rights and opportunities had begun. Despite the introduction of quotas, the task of increasing the number of women in Government bodies remained a challenge. A number of legislative acts had been prepared in that regard.

12. The military aggression against Ukraine had served to bring together society as a whole. While stereotypes continued to prevent women from entering politics, popular attitudes were changing. Since 2013, the proportion of women occupying high-level positions in the civil service had increased from 28 to 34 per cent. Although women were entitled to equal pay, in practice they earned around 25 per cent less than men. The causes of the gender pay gap included the larger proportion of women in part-time or low-paid work, childcare responsibilities and the ban on the employment of women in certain

arduous or hazardous jobs and night work. In 2016, the number of military occupations that women could take up had increased significantly. There were around 15,000 kindergartens in Ukraine, and 74 per cent of children aged 3-5 years were enrolled in a kindergarten. In 2016, an additional 25,000 kindergarten places had been created.

13. As part of its drive towards European integration, Ukraine had begun to implement 18 socio-economic reforms. The patrol police had been set up as part of the reform of the law enforcement agencies, and 25 per cent of its officers were women. The reform of the social service system aimed to guarantee the availability and quality of services, in particular for vulnerable groups of women. Ukraine had 19 State standards for social services, including a recently approved standard for mediation services. To expand the provision of high-quality social services, a social procurement mechanism had been introduced. In 2014, gender budgeting had been introduced with the support of the Swedish International Development Cooperation Agency, and 41 programmes had since been analysed.

14. Following the implementation of the "Reproductive Health of the Nation" programme, which had ended in 2015, the rates of maternal and infant mortality had fallen, obstetric units had been fitted with equipment for emergency medical care, a system had been introduced to prevent infection in obstetric units and women who suffered from diseases that would put their lives at risk in case of pregnancy were given free contraceptives.

15. The Government devoted significant funding to address infertility among women, who accounted for the overwhelming majority of all cases of infertility, and data from 2015 showed that 20 per cent of women of reproductive age required the use of assisted reproductive technology for fertility treatments. The number of abortions among adolescent girls had decreased and, over the previous 10 years, the number of persons aged 15-17 years who had been diagnosed with HIV had fallen by 43 per cent. The State guaranteed free access to services to prevent mother-to-child transmission of HIV. Every year, more than 97 per cent of pregnant women voluntarily submitted to testing for HIV.

16. The Family Code now set the age of marriage at 18 years, and procedures had been improved to facilitate the collection of data disaggregated by gender. A strategy had been adopted to strengthen the protection and integration of Roma. In 2014 and 2015, passports had been issued to around 4,000 members of the Roma community. There was an Internet radio station for Roma.

17. Ukraine had been working to implement the Millennium Development Goals and supported the Sustainable Development Goals. In 2016, new development indicators had been devised with regard to the gender pay gap, the representation of women in decision-making positions and domestic violence. In fulfilment of the Committee's recommendation, Ukraine had acceded to the International Convention for the Protection of All Persons from Enforced Disappearance in 2015. The President and the Government were working towards the swift ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

18. The conflict in eastern Ukraine had created new groups of vulnerable persons, including participants in the conflict, the families of participants who had been killed and internally displaced persons. Over the previous three years, a range of legislative acts had been adopted to protect their rights and freedoms. The social and humanitarian situation in the territory of Donetsk and Luhansk provinces that was no longer under the control of the Ukrainian authorities was critical. The Government could no longer process social payments for persons residing in areas of the country that were no longer under its control, as the funds could be used to finance terrorism. The payment of pensions and other benefits

to such persons could be resumed only if the territorial integrity of Ukraine was restored or if they were resettled in the territory under the control of the Ukrainian authorities.

19. The occupation had accelerated the adoption of the national action plan for the implementation of Security Council resolution 1325 (2000), which would run until 2020. Following the first year of its implementation, more women had entered military service. In 2017, the Government had approved a plan of action to implement State policy in specific districts of Donetsk and Luhansk provinces that were no longer under its control.

Articles 1 to 6

20. **Ms. Ameline** said that, while she commended the State party for its response to the current crisis, the impact of the conflict on the civilian population, in particular minority groups, had been severe. Nevertheless, although the crisis was principally humanitarian in nature, it also offered an opportunity for the increased involvement of women in political life. In that connection, she wished to know how the Ministry of Social Policy had been involved in the negotiation and implementation of the Minsk agreements.

21. It seemed that a gender perspective had not been fully integrated into the 18 reforms initiated since 2014, and the legal definition of discrimination was unclear. Furthermore, information on how the principle of gender equality could be incorporated into the preparation and application of laws would be helpful. An evaluation process should also be developed to eliminate discriminatory provisions from domestic legislation more effectively. Did any of the parliamentary bodies mentioned earlier in the meeting perform that function?

22. She wondered whether the Istanbul Convention would soon be ratified. Furthermore, she wished to know how domestic and humanitarian law was applied in the parts of the country that were not under the control of the Ukrainian authorities, in particular Crimea, how civil society could be further mobilized to raise awareness of the Convention and how the Committee's recommendations would be disseminated and implemented. What policies would be put in place to support the social integration of ethnic minorities, including Roma, and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons? Lastly, she wished to know whether steps were being taken to improve the access of OSCE observers to the Donbas region.

23. **Ms. Patten** said that, while the State party was to be commended for its efforts to respect its obligations under the Convention in such challenging circumstances, it would have been helpful if the State party's report had included information on the impact of the conflict under each article of the Convention. In addition, the report had not made reference to the Committee's general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (CEDAW/C/GC/30).

24. With regard to sexual violence, she wished to know whether there were plans to revise the Criminal Code to bring the definition of rape into line with international standards. A more comprehensive definition would make it easier to prosecute perpetrators in conflict situations. It would be helpful to learn whether efforts were being made to strengthen the capacity of law enforcement officials and the judiciary to investigate, document and prosecute acts of sexual violence and what specific measures were being taken to ensure the provision of timely and comprehensive assistance, including health-care services and legal support, to survivors of sexual violence. Furthermore, she wished to know whether there were plans to implement transitional justice mechanisms, including judicial and non-judicial measures such as truth commissions and reparation programmes, to address conflict-related sexual violence in a comprehensive manner.

25. She wished to know what preventive measures were being taken to prevent the internal displacement of women and girls and protect the human rights of displaced persons,

what steps were being taken to meet their needs, including women subjected to multiple and intersectional discrimination, and to what extent the decentralization reform was based on the needs of women, in particular internally displaced women. She wished to know whether the resources allocated to the national action plan for the implementation of Security Council resolution 1325 (2000) were being reviewed in the light of the recommendations of the global study on the implementation of Security Council resolution 1325 (2000), entitled *Preventing Conflict, Transforming Justice, Securing the Peace*, and whether a coordinating mechanism would be established to ensure its effective implementation.

26. With regard to the peace process, she wished to know what specific steps were being taken to increase the participation of women in the formal peace negotiations, what measures were being taken to ensure women's needs and concerns were met as part of the process and what was being done to ensure the inclusion of a critical mass of women in international, national and regional peace negotiations.

27. **Mr. Petukhov** (Ukraine) said that women had been closely involved in the peace negotiations, in particular the Minsk process. Iryna Herashchenko, the First Deputy Chair of the Verkhovna Rada and the presidential envoy for the peaceful settlement of the situation in Donbas, had played an active role in the negotiations, for example by negotiating the release of detainees. In addition, Olga Aivazovska, the director of a major Ukrainian NGO, had participated in the talks. As for the comments made with regard to the information submitted on the impact of the conflict on women, he wished to stress that the situation was complex and continually evolving. Ukraine had not been occupied since the Second World War. In that connection, it should also be noted that Oksana Syroyid, Deputy Chair of the Verkhovna Rada, had recently presented a bill on the temporarily occupied territory of Ukraine.

28. **Mr. Yenin** (Ukraine) said that there were no plans to amend the article on rape in the Criminal Code, as other forms of sexual violence were covered under a number of other articles. The training programme for law enforcement officials included a wide range of courses, including on human rights, the rule of law, domestic violence, trafficking in persons and forced marriage. The Supreme Court had been requested to ensure greater uniformity of judicial practice with regard to gender-based violence.

29. **Mr. Petukhov** (Ukraine) said that, following the military invasion of the Russian Federation, the Government no longer had effective control over Crimea and parts of the Donbas region. For that reason, the Russian Federation bore primary responsibility for the protection of human rights in those territories. Nevertheless, Ukraine had an obligation to do everything within its powers to ensure the protection of human rights in those territories and to bring to light any violations of those rights. To that end, the Government coordinated and worked with international monitoring mechanisms, though access to Crimea was limited. It should be noted that the General Assembly had recently adopted resolution 71/205 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine).

30. The situation in Donbas was better by comparison, and the international organizations with a presence in the region included OSCE, the United Nations and the International Committee of the Red Cross. International observers had unrestricted access to the parts of the Donbas region that were under the control of the Ukrainian authorities, and repeated calls had been made for the establishment of a mechanism to improve their access to the rest of its territory. Various arrangements had been made for displaced persons, for example the relocation of State bodies and streamlining of the procedures for issuing official documents. Two checkpoints were operational, but security concerns had prevented a third from opening. On one occasion, a bus had been attacked at a checkpoint.

31. **Mr. Yenin** (Ukraine) said that the issue of justice in the context of the situation in the Donbas region was under discussion. Two applications had been submitted to the International Criminal Court, and its prosecutors were now considering the possibility of opening an investigation. The Constitution had been amended to allow for the ratification of the Rome Statute of the International Criminal Court.

32. **Mr. Petukhov** (Ukraine) said that Ukrainian anti-discrimination legislation had recently undergone major changes and was now fairly extensive. It included many internationally accepted terms, including direct discrimination and indirect discrimination, and amendments to the relevant law had been presented to the Verkhovna Rada with a view to bringing it fully into line with international standards. Following recent amendments, the Labour Code now banned discrimination on the grounds of sexual orientation or Roma ethnicity, among others, and that provision would be retained in the new version of the Labour Code. The recent equality parade in Kyiv had passed without incident, as those protesting against the event had been prevented from disrupting it.

33. **Ms. Malakhova** (Ukraine) said that the integration of marginalized groups was a priority, and particular emphasis was placed on education in that connection. For example, a first-ever reference to gender competence had been made in the amended Education Act, which had already passed its first reading. It was hoped that, by working with schools and higher education establishments, it would soon be possible to change attitudes among the population.

34. **Ms. Bohdanova** (Ukraine) said that, over the previous two years, a gender perspective had been incorporated into many government policies and programmes, including the national human rights strategy for the period up to 2020 and the action plan for its implementation, which had been adopted in late 2015, the poverty reduction strategy adopted in late 2016, the policy framework for public administration reform adopted in 2016, the strategy for public finance reform adopted in 2017 and the policy framework for ensuring gender equality for the period up to 2021, which was currently under consideration by the Cabinet of Ministers.

35. Since the introduction of gender budgeting, gender-related issues were no longer covered by a single budget. Civil society organizations worked closely with the Government on such issues and were involved in all advisory bodies. In 2016, a social procurement mechanism had been introduced in five provinces. It had been used to finance nine projects, and its implementation would be expanded as a way of improving cooperation. Training courses on gender issues had been organized for public servants, in particular psychologists. Furthermore, literature on the practical implementation of the Convention had been published. For example, an information leaflet had been produced on how to identify and report gender-based discrimination.

36. **Ms. Fedorovych** (Ukraine) said that the ratification of the Istanbul Convention was a priority. Following the recent vote in the Verkhovna Rada, working meetings had been held with members of civil society and church representatives, and their opinions had been influential. Despite the delay, the importance of ratifying the instrument was widely acknowledged.

37. **Ms. Patten** said that she would be grateful for a response to her question on the financing of the national action plan for the implementation of Security Council resolution 1325 (2000). Furthermore, she wished to know what percentage of those involved in the peace process were women and what measures were being taken to increase the number of women involved in the formal peace negotiations. It was her understanding that there were no women in the Trilateral Contact Group and that none of the working groups was headed by women. She asked whether the delegation did not agree that, to facilitate the prosecution of perpetrators of rape in conflict situations, the current definition of rape under the law

should be expanded to include not just sexual assault involving intercourse between a man and a woman but also elements such as the use of force or the threat of force or coercion, such as that caused by fear of violence, duress, psychological oppression or abuse of power. Lastly, the delegation was invited to comment on reports that women were being illegally detained and subjected to sexual violence in areas close to the zone of conflict. What measures had been taken in response to those reports?

38. **Ms. Ameline** said that, with regard to the issue of violence in the zone of conflict, more should be done to help affected women, in particular women who had been displaced, women living alone and women residing close to the zone of conflict. The State party was to be commended for its interactions with the International Criminal Court. She asked what would be done, once the delegation had returned to Ukraine, to act on the Committee's recommendations and strengthen gender equality.

39. **Mr. Petukhov** said that it had historically been rare for women to occupy high-level government positions in Ukraine. He did not have precise figures for the number of women involved in the Minsk process, but the negotiations involved a small number of participants. To cite one example of the involvement of women in the Minsk negotiations, however, the First Deputy Chair of the Verkhovna Rada, referred to earlier, had played a leading role in the subgroup on humanitarian issues. As for the comment made with regard to definition of rape, it should be borne in mind that the Criminal Code included specific articles on various other sexual offences, including compulsion to engage in sexual intercourse. The existing provisions covered all possible scenarios involving non-consensual sexual intercourse.

40. Various NGOs and monitoring mechanisms had reported that individuals were being illegally detained and were at risk of exploitation, in particular sexual exploitation, in the territory not under the control of the Ukrainian authorities. In response, the Government had called for greater access for independent monitoring mechanisms. As for illegal detention in the territory under the control of the Ukrainian authorities, both the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had recently conducted monitoring visits. Furthermore, Ukraine had established a fully functioning national preventive mechanism, and relevant training had been provided for law enforcement officials. No further cases of illegal detention had been reported, and it seemed that the problem had been eradicated in the territory under the control of the Ukrainian authorities.

41. **Ms. Fedorovych** (Ukraine) said that the Ministry of Finance did not allow funds allocated under one part of the budget to be transferred to another. For example, funds allocated to the budget for the maintenance of existing shelters and centres could not be transferred to the budget for the national action plan for the implementation of Security Council resolution 1325 (2000). Recently, a series of public service announcements had been produced, but the cost of broadcasting them had been spread across a number of different budgets. Given the manner in which action plans were funded, it was often difficult to state the total funds available for their implementation. Furthermore, some of the measures provided for under other programmes, such as the programme for internally displaced persons and the comprehensive programme for the rehabilitation and social adaption of participants of counter-terrorist operations, would also serve to implement the action plan for the implementation of Security Council resolution 1325 (2000).

42. **Ms. Semeniuk** (Ukraine) said that Ukraine had officially requested the establishment of a peacekeeping police mission to provide stability and enforce the rule of law in the east of the country. However, it would take a year to establish. Her Government had received invaluable technical assistance from United Nations agencies and the Center for Civilians in Conflict, and the Government was in the process of preparing a policy framework for the protection of civilians in the conflict zone. Training would be provided

for relevant personnel with a view to preventing civilian casualties. The establishment of civilian casualty mitigation teams would help to enforce the rule of law in the occupied territory and prevent violence, in particular against women and girls.

43. **Ms. Fedorovych** (Ukraine) said that the Government made every effort to involve civil society organizations in the preparation of strategic policies, action plans and legislative acts, including a bill on the prevention of domestic violence, for example. Furthermore, civil society organizations provided social services through a social procurement mechanism and played an important role in monitoring human rights.

44. **Ms. Ameline** said that, although she found the efforts made by the Government to reform the justice system to be commendable, further steps were needed to ensure that the law was enforced and free legal assistance was available, in particular with a view to ending violence and punishing discrimination against women. While welcoming the introduction of various strategies and plans on human rights, equality and women and peace and security, she wondered whether those initiatives were being implemented in a coordinated and coherent manner. In the light of the ongoing decentralization process, she wished to know what measures were in place to ensure that the issue of gender equality was approached consistently and that women retained the same rights throughout the country. She would also be interested to know whether the technical support being received by Ukraine from the international community was sufficient for its efforts to promote equality between women and men.

45. She asked whether impact assessments had been carried out or were envisaged in respect of the numerous laws recently introduced. She would be grateful if the delegation would provide information on the situation of women in detention, in particular in the occupied parts of the country, where reports indicated that they were subjected to abuse.

46. **Ms. Nadaraia** said that she was concerned at the limited application of temporary special measures in Ukraine. In fact, despite the introduction of equal rights and opportunities legislation and changes to the law on political parties, very little had changed on the ground. While welcoming the introduction of a 30 per cent quota for women candidates on electoral lists, she noted that the law did not contain any strong enforcement mechanisms, nor did it stipulate the numerical order of women candidates on such lists. She asked what further measures were envisaged to promote women's participation in political life and in decision-making roles, what steps had been taken to help public officials to understand the meaning and scope of temporary special measures within the context of article 4 of the Convention and the Committee's general recommendation No. 25 on temporary special measures. In that connection, she also wished to know whether the Government intended to introduce gender quotas to increase women's representation on supervisory councils of State-owned enterprises, and whether any assessments had been carried out with a view to analysing equal gender relations and applying temporary special measures in fields in which women faced particular discrimination. Lastly, she would welcome information on whether temporary special measures were in place for disadvantaged and vulnerable groups of women, particularly those facing multiple forms of discrimination, such as Roma women, and whether there were any plans to extend the application of such measures to disadvantaged groups of women, including women with disabilities, internally displaced women and older women.

47. **Mr. Petukhov** (Ukraine) said that the judicial reforms under way were being conducted in a manner that supported greater participation of women in the justice system. By way of example, an open and transparent selection process for judges for the new Supreme Court had enabled more women to apply, with women candidates representing more than 30 per cent of those under consideration.

48. Regarding the legal aid system, he took issue with the view that it was ineffective and inaccessible. Some 500 legal aid centres were available nationwide, covering regions, towns and villages. Moreover, mobile teams were in place to provide support to persons with reduced access to legal assistance, such as those living in remote areas and along the contact line. According to the most recent statistics, the majority of persons who had sought legal aid were, in fact, women. Legal information and advice — primary legal assistance — were provided free of charge. However, persons seeking secondary assistance (defence against charges, representation of interests or drafting of procedural documents) were required to meet certain criteria, such as a low income, lack of employment or status as an internally displaced person. Guidance on gender-based violence and domestic violence was also provided by legal aid centres.

49. As to gender quotas, although no specific penalties were imposed on political parties that failed to meet the required proportion of women candidates, additional State funding was available as an incentive for parties to comply with them. In fact, one party had recently met the criteria and received extra funding as a result. Penalties for non-observance of the quotas were, however, being considered. In the meantime, an amendment to the legislation was being assessed in order to stipulate how women and men candidates should be represented on party lists. While there were no current plans to establish formal gender quotas for supervisory boards of private and State-owned companies, the independent supervisory board of the State-owned oil company was headed by a woman. Thus, even without formal quotas, more and more women were making inroads into positions of influence in the economic life of Ukraine.

50. Regarding women in detention, in the Ukraine-controlled part of the country, women represented just 5 per cent of the prison population, including 20 minors. Women and men prisoners were held in separate facilities and young prisoners were kept separate from adults. It was, however, a different story in the occupied territory, where reports suggested that such rules were not being observed. Many women who had been detained there had since been freed under the negotiations and exchange processes.

51. Lastly, it was hoped that decentralization would actually lead to women's empowerment. Many women had been very active in their local communities but, under the previous system, they had not had the opportunity to develop their careers, and policy decisions had been made at central rather than local levels. Thanks to decentralization, however, local services, such as schools and hospitals, were now being run by the local authorities, some of which were headed by women leaders.

52. **Ms. Bohdanova** (Ukraine) said that some 47 per cent of judges were women, a figure that rose above 50 per cent in some local areas. As to temporary special measures, job quotas were in place for single parents with children under 6 years of age, women with children with disabilities, persons of pensionable age, of whom women were in the majority, and persons with disabilities. In 2016, those quotas had helped almost 125,000 people to find employment. The Government was now looking at what other temporary special measures could be introduced as part of a gender equality programme.

53. **Ms. Fedorovych** (Ukraine) added that tax breaks and other incentives were also provided to companies hiring persons with disabilities and a fund had been set up as a means of creating employment for persons with disabilities.

54. **Mr. Yenin** (Ukraine) said that reform of the judicial system was well under way but would take some time to complete. Data on rape cases in recent years had shown that offenders had been duly prosecuted and punished. The recruitment process for local prosecutors had recently been concluded; 77 per cent of applicants were from outside the current system, 30 per cent of whom were women candidates. Lastly, the Office of the Procurator General worked hand-in-hand with the Ministry of Justice to monitor and

improve the observance of human rights in places of deprivation of liberty, with a special emphasis on the situation of women detainees. In that connection, access for international monitoring missions in the temporarily occupied territories was crucial.

55. **Ms. Halperin-Kaddari** said that, in view of the fact that legislation on gender-based violence seemed to be full of contradictions and loopholes, ratification of the Istanbul Convention would provide the means to fill those gaps. However, there were reports that the process of adoption was being hampered by Members of Parliament who wished to remove all mention of gender, gender-based violence and sexual orientation owing to the influence of the Church. With that in mind, she wished to know what the prospects were for Ukraine to adopt the Istanbul Convention and the timeline envisaged for doing so. She noted with alarm that some 88 per cent of domestic violence cases were punished with a monetary fine and that victims of domestic violence were ineligible for free legal aid since it was not a criminal offence. With that in mind, she wondered whether the bill criminalizing domestic violence would trigger other necessary changes or whether there were plans to tackle those issues irrespective of, and perhaps prior to, adoption of that bill. By way of example, the State party might consider amending the eligibility criteria for legal aid to include all cases of domestic violence, regardless of the income of other family members. She urged the State party to amend the definition of rape in order to bring it into line with current international standards and to introduce the so-called battered woman syndrome defence as a mitigating factor for women victims charged with homicide. Lastly, she would welcome information on the number of shelters and types of services offered to women victims of gender-based or domestic violence only, including women with disabilities.

56. **Ms. Nadaraia** said that the simple presence of armed forces in populated areas increased the risk that sexual violence would be used as a tactic by the military and armed groups on either side of the conflict in eastern Ukraine or by the forces of the Russian Federation in the Autonomous Republic of Crimea. There were reports that such practices had occurred on both sides of the line of contact and that they were also associated with other human rights abuses, such as illegal detention, unlawful killings and the destruction and looting of property. She wished to know what steps the State party had taken to strengthen the capacities of law enforcement officials and the judiciary to investigate, document and prosecute cases of sexual violence in conflict-affected areas and to ensure that all allegations of such offences were treated in compliance with international standards and practices, such as the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. She wondered what measures were in place to ensure the provision of timely, non-discriminatory and comprehensive assistance and support services to victims of violence and torture and whether capacity-building activities and other measures had been provided in that regard to professionals working in State-run institutions.

57. **The Chair**, speaking in her capacity as an expert, said that, since it appeared that almost all women working in prostitution were liable to penalties under either the Code of Administrative Offences or the Criminal Code, she wished to know what measures were being taken to reduce the demand for prostitution. In the Committee's experience, the criminalization of prostitution often resulted in women in prostitution being subjected to exploitation and abuse by police officers. What measures was the Government taking to prohibit this form of discrimination and violence against women?

58. **Ms. Ameline** said that, in times of conflict or hardship, women and girls were at particular risk of being trafficked, often for the purposes of exploitation and forced prostitution. In view of the current situation in Ukraine, she wondered what steps were being taken to ensure a thorough evaluation and identification of the most vulnerable groups of women, in particular women living alone, young women and displaced women, to enhance support for victims of trafficking, including through reception centres and

access to psychosocial services, to provide related training to police officers and judges and to strengthen international cooperation on combating trafficking in persons. She would also appreciate further information on the number of prosecutions brought and convictions obtained under the recently enacted anti-trafficking laws and the types of sentences handed down.

59. **Mr. Petukhov** (Ukraine) said that there was absolutely no question of sexual violence being used in conflict-affected areas as part of a State-sponsored policy. However, the sexual exploitation of vulnerable populations was often a consequence of armed conflict. That being said, it was important to distinguish between Ukrainian armed forces and those on the other side of the conflict. While it was true that offences had been committed by Ukrainian forces and volunteer battalions and that such offences were probably underreported, clear legal procedures were in place to ensure that any offences were promptly investigated and the armed forces were held accountable for their actions. Under the law enforcement and procedural law reforms, for example, all complaints were automatically entered into a centralized electronic register. Moreover, cases involving sexual offences by Ukrainian soldiers had been tried and the offenders punished, while other such cases were still pending. On the other side of the contact line, however, international observers had reported a lack of rule of law and no real court system. Some outdated laws were being applied while others seemed to have been invented on the spot. There was a lack of procedural guarantees, legal aid and accountability among armed personnel. For that reason, Ukraine continued to call on the international community to come up with a more robust peacekeeping solution.

60. The issue of prostitution and exploitation of women was a moral question. As things stood, there was little public appetite to improve the situation of sex workers, and there were no current plans to amend the legislation. That being said, the Government was taking action to raise awareness of the issue and initiate public discussion. It was by no means an easy subject to tackle, however, and both the Verkhovna Rada and society at large had their reservations. Trafficking in persons was also a major issue, in particular in conflict-affected areas where millions of people had been displaced. Many Ukrainians had been the victims of trafficking in the Russian Federation, often for the purposes of the illegal distribution of drugs. For that reason, warnings advising against any travel to the Russian Federation had been issued; however, the Government was unable to regulate movement in the areas that were not under its control. Tackling human trafficking was a priority issue in Ukraine. To that end, a human trafficking division had been set up in the national police, as had a human rights division, which was mandated to protect the rights of detained people and provide appropriate training to police officers.

61. **Ms. Bohdanova** (Ukraine) said that some 19,000 police officers had received capacity-building training in a purpose-built interactive classroom, and 18 one-day training sessions on preventing sexual violence in conflict situations had been held in 17 provinces in conjunction with civil society organizations.

62. Almost 700 social services centres for children and young people existed throughout Ukraine, including in small towns and local communities, which provided high-quality services accessible to victims of violence. Moreover, 20 psychosocial and rehabilitation centres throughout the country provided temporary accommodation to victims of violence. An amendment to a Government decree had also been drafted to make provision for victims requiring long-term care or those with psychosocial disorders. In addition, 21 maternal and child welfare centres provided services to child victims of violence, and psychological services in children's shelters were also available to girl and boy victims. A further two shelters for victims of violence were scheduled to be opened in the Dnipropetrovsk and Zaporizhzhya provinces in 2017, and the local authorities would take over responsibility for running the shelters from international organizations. A similar approach had been taken in

respect of the social apartment project for women victims of violence, which had initially been funded by NGOs but was now being co-financed by the local authorities.

63. **Ms. Fedorovych** (Ukraine) said that shelters for victims of violence were set up and run in accordance with the principles of the Istanbul Convention. Both local and regional authorities were involved in the supply and management of such services and, in March 2016, as part of the decentralization process, funding was provided to local authorities to enable them to run the shelters under their jurisdiction. Provisions were also in place to ensure that decentralization did not have a negative effect on the delivery of social protection. Local authorities and newly established merged territorial communities had been made fully aware that any action taken in respect of social protection had to be done in line with central Government guidelines as well as on the basis of their local financing needs. Budget allocations had been shifted from central budgets to local ones. Many local authorities had ended the financial year 2015/16 with a budget surplus, and the Government wished to ensure that those funds were used to meet social welfare needs, including shelters.

64. **Mr. Yenin** (Ukraine) said that it was difficult to forecast precisely when the Istanbul Convention would be ratified, since incorporating its provisions into national law entailed the introduction of a considerable number of amendments to current laws and regulations. For instance, a separate article on domestic violence and provisions on different types of restraining orders for alleged and convicted perpetrators of sexual and domestic violence would be introduced to the Criminal Code. Moreover, the definition of rape under the Code would be amended to bring it more into line with the Istanbul Convention and other international standards. Incorporation of the Protocol into domestic law would also require amending the Code of Administrative Offences, for example, establishing new databases and taking a wide range of other measures.

65. As part of police reforms, courses on domestic violence and human trafficking had been developed for police officers, and some 12,000 patrol officers in 70 cities had received such training in the past few years. In the final quarter of 2016, 200 specialized anti-human-trafficking police had been trained, and provision had been made to train a further 100 during 2017. Efforts were also being made to enhance community policing and reinforce cooperation with schools. Lastly, a joint law enforcement operation on sexual violence had cracked down on organized groups involved in the exploitation and forced prostitution of women.

66. **Ms. Fedorovych** (Ukraine) said that a comprehensive legislative approach was being taken to address the issue of violence against women. In that regard, two bills — one containing the text of a new law and the other containing amendments to existing laws and codes — were currently before the parliament. The standards relating to the provision of social welfare and protection services for victims of violence were based on the principles of the Istanbul Convention. Violence against women in Ukraine was, however, largely perpetrated in the home. As a result, mobile emergency response teams dealing with domestic violence had been established, and it was hoped that that rapid response mechanism would become a standard operating procedure across the country.

67. Regarding trafficking in persons, awareness-raising materials, such as posters and brochures, had been produced in conjunction with various international organizations for use at the local level with a view to rolling them out nationwide at a later date. Videos warning the public of the dangers of trafficking in persons had also been produced. Lastly, officials working in the field of trafficking in persons received training on identifying potential victims, which, in turn, helped to improve statistical data on the issue and ensure the provision of relevant services.

68. **Ms. Halperin-Kaddari** said that she would be interested to know more about the new definition of rape that would be incorporated into the various laws mentioned earlier

and about the progress that had been made on amending the relevant legislation. Reports suggested that one of the reasons why the Istanbul Convention had not been ratified was a reluctance to accept the categories of sexual orientation and gender identity set forth in it, which were viewed as homosexual propaganda. If that was the case, and if ratification proceeded with reservations to those categories, she had concerns that vulnerable groups of women, particularly those belonging to sexual minorities, would not be sufficiently protected, particularly since there was no specific hate crime legislation in place to protect those women.

69. **Ms. Ameline** said that she wished to reiterate the Committee's concerns in view of the renewed fighting in eastern Ukraine and the plight of the vulnerable sections of the population living in Donetsk and Luhansk provinces. It was clear that emergency response units were needed in those areas, since the infrastructure was in a terrible condition or had been destroyed entirely. There were also concerns that obstacles prevented persons wishing to leave conflict-affected areas from reaching the safe passage corridors. Lastly, regarding trafficking in persons, she asked whether any trafficking networks had been successfully dismantled and how many perpetrators of that offence had been convicted.

70. **Ms. Fedorovych** (Ukraine) said that the proposed changes to the Code of Criminal Procedure and the Criminal Code and measures to combat trafficking in persons could be found on the website of the Verkhovna Rada. Regarding the bill on gender-based violence, although there had been some disagreement regarding some of the terminology it contained, both Members of Parliament and the All-Ukrainian Council of Churches and Religious Organizations were calling for the adoption of the law. It was therefore hoped that both that bill and the Istanbul Convention would shortly be adopted.

71. **Mr. Petukhov** (Ukraine) said that the Government was making every effort to educate the public on the LGBTI community. Progress was being hampered, however, by the propaganda broadcast by Russian State television, which reached a sizeable proportion of the Ukraine population. It was therefore difficult to have a rational, learned discussion when Russian propaganda was distorting the conversation and peddling lies not only about the LGBTI community but also about the European Union. However, steps were now being taken by the European Union to produce Russian-language communications in a bid to counter that propaganda.

72. **Mr. Yenin** (Ukraine) said that the Labour Code contained provisions prohibiting discrimination on the basis of sexual orientation and gender identity. While there had been an increase in the number of investigations conducted by the national police into cases of violence against women and girls, the number of criminal prosecutions and convictions had fallen slightly in 2016, largely owing to the ongoing reforms of the police and the time required to train specialized police officers.

Articles 7 to 9

73. **Ms. Nadaraia** said that, although some progress had been made, women remained severely underrepresented in public and political life, the civil service and decision-making bodies, largely due to the prevailing system of oligarchy, the lack of incentives to promote women to positions of power and a low level of awareness among women of their rights to be represented on an equal footing with men in managerial and executive positions and corporate boards of directors. She wished to know what additional measures, besides quotas, were envisaged to encourage parties to include more women candidates on their lists, what action was being taken to encourage political parties to achieve more of a gender balance on party lists and whether the Government planned to introduce any temporary special measures to address the chronic underrepresentation of women in elections. Lastly, in view of the fact that just five women were occupying high-level positions in the country's

diplomatic missions, what measures were being taken to improve women's representation in diplomatic missions and international organizations?

The meeting rose at 1 p.m.